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Freedom Watch

Citizens Project

The Human Rights Conflict in the Springs

By Jack Lang y Marquez, Director, Colorado Civil Rights Division

I recently served as a judge in the eighth annual high school *Competition on Knowledge and Application of the Constitution and Bill of Rights.* It was an exciting experience to see the eagerness and wonderment with which the competitors viewed the struggle that took place during the formative years of America. I felt energized with youthful enthusiasm and idealism. Then I returned to the real world of 1994. I realized that our Founders would be perfectly at home if resurrected in present day Colorado Springs, with its current conflicts over civil rights of citizens. However, they would be hard pressed to believe that over 200 years had passed since the ratification of the Constitution and the Bill of Rights.

The Founders keenly understood and appreciated the concept of "tyranny of the majority." The new United States Constitution would create a more centralized and powerful federal government, and individual states were loath to surrender their sovereignty without guarantees of protection from the very kind of oppression that they just fought a revolution to escape. The amendments to the Constitution, the Bill of Rights, provided many of those guarantees.

That continuing struggle for individual freedoms and for the recognition of the worth of all persons later precipitated a civil war, as we know. Few people realize, however, that the Thirteenth Amendment, which prohibited slavery, and the Fourteenth Amendment, which guaranteed equal protection for all citizens, were passed immediately after the Civil War. These amendments put into the nation's Constitution the liberties that a civil war had been fought to preserve.

> **"The Founders keenly understood and appreciated the concept of tyranny of the majority."**

Through time, those liberties eroded; many states passed so-called "Jim Crow" laws which legalized racial segregation. Not everyone, however, believed that society should be segregated. In contrast to the Jim Crow laws in the South, many other parts of the country determined that it is a proper role of local government to establish boards, commissions and advisory panels to assist them to safeguard the fundamental rights of all their citizens. Such commissions and boards were assigned responsibilities that

[Continued on Page 2]

Discrimination Claims Increase in the Springs

Claims of discrimination filed with the Colorado Civil Rights Division increased in Colorado Springs for the fourth consecutive year. Three other Colorado cities saw a reduction in claims filed. These claims covered employment, housing, and public accommodations.

Year-end statistics for 1993 show Colorado Springs with an increase of 7.6 percent in claims filed, while discrimination claims during the same period decreased 24 percent in Denver, 14 percent in Greeley, and 2 percent in Pueblo. There were 183 claims filed in Colorado Springs in 1993, compared to 105 cases in 1990. Colorado Springs was the only major city in the state to show consistent increases in civil rights discrimination filings.

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Citizens Project Attends Americans United Conference

Bill Huddy and Pat Tolle in Washington, D.C.

Bill Huddy, Director of Citizens Project, and Pat Tolle, CP Associate Director, attended the 1994 Washington, D.C. conference of Americans United for Separation of Church and State. What was the mood at the conference? "Glum," said Bill Huddy, "mixed with a lot of fear." Bill continued, "It's the fear of the future, and a fear of the unknown. The conservative victories of the Nov. 8 election have many concerned and wondering what will happen next."

Public School Prayers

The conference focused on the biggest church-state issue on the horizon: organized public school prayers. Newt Gingrich, the new Republican majority leader in the U.S. House of Representatives, has pledged a vote on a constitutional amendment to permit organized school prayer, and he has promised a vote on this issue before July 4, 1995.

> **"There will be school prayer, so tolerate it!"**
> **— Jay Sekulow**

How does organized school prayer sound to minority religions? Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, and Jay Sekulow, lead attorney in Pat Robertson's American Center for Law and Justice, debated that issue at the conference. The debate got lively – at one point, Rabbi Saperstein said, "Stop praying for me, Jay. Stop praying for me and my family, we're doing a pretty good job of that on our own." Sekulow was adamant: "I'll pray for you and your family if I want – that's my right. There will be school prayer, so tolerate it!"

More Public School Issues

Other issues expected during the next year include teacher participation in prayer services at public schools (such as the "meet me at the flagpole" prayer services) and student to student evangelism during school hours. Jay Sekulow promoted teachers' free speech rights to participate in religious events in public schools, and emphasized his view that student evangelism is likewise constitutionally protected.

Rabbi Saperstein, on the other hand, stressed the need for a student's right to privacy and for protection of family values. "For students to proselytize saying 'Jews and Muslims will

[Continued on Page 3]

Legal Updates

Creationism in public schools

A California public school teacher sued his school district for refusing to allow him to teach creationism. The federal appeals court recently ruled against him, saying that evolution is not a religious theory and that, by requiring him to teach evolution, the school district was not requiring him to teach atheism or secular humanism. Some conservative Christian groups expressed disappointment that the appeals court had closed the door on more religious teaching by public school teachers.

Mississippi school prayer law overturned

The state of Mississippi passed a law in early 1994 permitting organized school prayers at all school functions (reported in the May/June *Freedom Watch*). The law came after a Mississippi school principal was suspended for allowing students to read prayers over the school intercom. The U.S. District Court recently found the law to be vague and unconstitutional, with the exception of prayers at high school graduation ceremonies. The law also failed to provide for an opt-out provision for students of minority religions or students not wanting to pray. The state of Mississippi plans to appeal the ruling.

Supreme Court takes religion case

Can the University of Virginia deny student activity funding for a Christian magazine on the grounds of church-state separation? The United States Supreme Court has taken on exactly that case. The University says that forcing it to use the students' activities money ($14 per student per semester) to subsidize a religious magazine would be direct government funding of a pervasively religious activity, a violation of the Constitution. The magazine wants a part of the activities money, in the same manner that many other groups and activities share in these funds. *Important implication:* a ruling in favor of the magazine may also open the door to direct government aid to parochial schools.

Eye on Schools

Schools Network

The Citizen's Project Schools Network continues to grow! We now have coordinators in School Districts 3,11,12,20 and 38, and we continue to work toward more effective coordination with and within each school district. Our Schools Network provides information and support for those concerned about maintaining pluralism and church/state separation in our public schools. Network participants include both Citizen Project supporters and other inferested individuals. If you would like to be part of our Schools Network, please contact the coordinator in your district: District 3 – Diane Ditterline, 390-4792; District 11 – Frank Mosher, 635-4623; District 12 – Julie Willis, 630-1466; District 20 – Mike Fisher, 528-6920 and Syd Snyder, 481-4962; District 38 – Rita DeRuntz, 481-8488.

School District 20 sex ed

The School District 20 middle school human sexuality education committee will be presenting its proposed middle school curriculum and taking public input Thurs., Jan. 12 at 7 P.M. at Timberview middle school (8680 Scarborough Drive) and again on Tues., Jan. 17 at 7 P.M. at Challenger middle school (10215 Lexington Drive). Interested people in District 20 are invited to give comments and to support human sexuality education in the public schools. This subject in this district has been very controversial in the past.

Human Rights Conflict

[Continued from Page 1]

generally fell into one or more of these four categories:

- conducting educational programs and "feel-good" celebrations of diversity;
- studying and making recommendations for change;
- intervening in and assisting in the mediation of inter-group disputes;
- enforcing a statute or ordinance that prohibits discrimination based on race, religion and a broadening range of other categories.

These state and local programs were ineffective in addressing societal inequities at a national level. Therefore, Congress in 1964 passed the Equal Employment Opportunity Act and in 1968 the Federal Fair Housing Act. These laws finally gave substance to the Fourteenth Amendment guarantees of equal treatment under the law and due process for all U.S. citizens regardless of their condition.

The city of Colorado Springs created its own Human Relations Commission (HRC) nearly thirty years ago. The presence of three major military installations and the historic presence of Latinos, African-Americans and American Indians here, guaranteed that the population of the Pikes Peak region would always be a diverse one. As most readers know, the strong civil rights vision of those who initially conceived the HRC for Colorado Springs has been systematically clouded, diminished and may be lost altogether. The former HRC exercised at least three of the four functions noted above. By seeking to create an ordinance, it suddenly became a threat to those who believe that respect for difference is a threat to society.

Indeed, Colorado for Family Values seems to be very threatened by the new proposed Human Relations Advisory Board (HRAB). CFV is now launching an all-out campaign to abolish even a weakened HRAB entirely, even though it would have only one of the three functions formerly assigned to the previous Human Relations Commission. In instructions to his followers, CFV's Kevin Tebedo gave these three reasons for opposing this weakened HRAB:

- "There is no factually demonstrated need for an HRAB to deal with illegal discrimination."
- "There is excessive potential for self-definition and abuse."
- "The probability remains that an HRAB would lose its neutrality and in fact be used to advance an activist homosexual agenda."

The fact is that the authors of an ordinance that creates a human rights agency can, by definition, shape it, limit it or empower it to do whatever they collectively please. City Council will undoubtedly define what kind of a human rights agency is appropriate for the city. Hopefully, it will build into the enabling ordinance a clear set of goals and objectives.

> **"The former HRC...became a threat to those who believe that respect for difference is a threat to society."**

CFV, however, irrationally attributes to such an agency the mystical power to feed upon itself, growing to such uncontrollable proportions that it somehow becomes the master of its creators rather than the servant. By that twisted logic, government should never create a police force, since citizens should police themselves rather than allow a police force to seize control of the city. Nor should it maintain its own streets for fear that the street department would ultimately control the flow of all traffic and commerce and since the streets can maintain themselves once in place.

It is a sad sign of our troubled times that some citizens find it necessary to resort to such twisted rhetoric to impose their wills upon other citizens. Perhaps we should be thankful for the Kevin Tebedos of the world, for they help us to focus more sharply on the very reasons that this nation's founders insisted that there be a Bill of Rights. We shall certainly always be indebted to those who had the courage, the wisdom and the foresight to shape a Constitution that guaranteed that our civil rights would never be subject to the tyranny of the majority .

Perhaps, sadly, it is also a sign of our times that another James Madison has not risen among us with the courage, wisdom and the foresight to shape for the city of Colorado Springs a functioning human rights commission. Creating such a commission would surely be an important first step toward fashioning a city as beautiful in reality as it is in appearance. **CP**

What's coming up?

Colorado Springs City Council will discuss the fate of the Human Relations Commission and of its proposed replacement, the Human Relations Advisory Board, at their informal meeting on Monday, January 9. Please contact council members prior to January 9 to encourage them to take this opportunity to restate and reinforce this city's commitment to civil rights. To get the name and actual phone number of your city council person, call 578-6600. You can phone 444-2222 to reach the voice mail of Lisa Are Cook, Cheryl Gillaspie, William Guman, John Hazlehurst, and Mary Lou Makepeace. Please note that this is not a meeting where citizens can speak before the council, but we can be present if we wish.

You should be aware that Colorado For Family Values and the local Christian Coalition chapter are mounting a postcard campaign to pressure city council to oppose these entities. Many postcards contain this identical language: "I do not want you to vote for the creation of another unnecessary regulatory body, much less for this one, which is likely to promote the homosexual agenda...I will be informed on how you voted on this matter..."

The agenda of Colorado for Family Values is clear. In their anti-gay zeal, they are moving to scuttle all human relations efforts in our city. We should not sit back and acquiesce in their attempts.

Also in the works is the possibility of creating an independent human relations entity. Citizens Project is involved with this process, and we will keep you informed.

Don't forget that Colorado Civil Rights Director Jack Lang y Marquez will be speaking at the January 3rd Citizens Project First Tuesday forum at East Library. For details, see the notice in this newsletter.

School Prayer

[Continued from Page 1]

be relegated to eternal damnation' in the public schools is wrong, and for teachers to be involved in this is dangerous." If organized displays of religious conviction and campaigns of religious conversion begin to permeate public schools, said Rabbi Saperstein, then any accommodation with the extremists of the Christian right will be difficult. "This is not religion vs. secular humanism as is often asserted by the right," said Saperstein. "It is not anti-God...nothing could be further from the truth. And it would be a tragedy if we lose these religious freedoms because of what is happening on the extreme."

Values in Education

One of the conservative arguments at the conference debates was that public schools must promote religion if they are to teach values. Is religion the only means to transmit values to public school students? Yes, said Janet Parshall, a representative from the arch-conservative Concerned Women of America. Addressing the conference, Ms. Parshall voiced her belief that removing school prayer from classrooms had the result that "traditional American values have been expelled from our classrooms." Which values? Traditional Christian values such as democracy, honesty, and caring for the family, she said, further expressing her belief that these values will be returned to our school classrooms only when we protect and encourage religious expression in public schools.

National Education Association president Keith Geiger had concerns about the need to embrace conservative Christian beliefs in order to teach values in public schools. Values, he said, can be taught and are being taught without references to God or a particular religion. "You teach values through example..universal values of right and wrong."

Grounds For Optimism

Despite the dark clouds on the church-state horizon, the conference held fast to a note of optimism as it looked to the future. During the eight-year Reagan administration, one speaker noted, Congress passed 24 pieces of civil rights legislation. And it was Nixon-appointee Justice Blackmun who wrote the concurring opinion prohibiting government sponsored prayer during public school commencement ceremonies. "When the government arrogates to itself a role in religious affairs," wrote Blackmun, "it abandons its obligations as a guarantor of democracy..." Blackmun, a speaker at the conference, urged the audience to "keep the faith" in efforts to defend the rights of religious minorities and keep the government from promoting or subsidizing religion.

What's Ahead

Despite the optimism, gone from Washington are such ardent supporters of separation as Tom Foley, George Mitchell, Jack Danforth, Don Riegel, and Howard Metzenbaum. In their place are many conservative Republicans who are more likely to back Gingrich's proposal to revise the First Amendment in favor of public school prayer. Although traditional conservatives are uneasy with using the government to force official prayers on all students, the new conservative "family values" organizations, claiming to have helped the Republicans to victory, are strongly pushing for enactment of this part of their agenda.

Where does President Clinton stand? Recent remarks by the President have led many to believe he may be in a compromising mood when it comes to school prayer issues. Perhaps President Clinton is watching opinion polls that show as many as 75 percent of all Americans favor some sort of prayer in public schools. However, the numbers drop dramatically when citizens confront the details, such as whose religion should be favored by the form of the school prayer, how and if children of minority religions (or no religion) can be protected from ostracism for not praying the official prayer, and whether Christians should be faced with prayers of non-Christian religions in a school setting.

Newt Gingrich has promised that the thorny issue of organized public school prayer will be on the congressional front burner for a proposed Constitutional amendment before July 4, 1995. The date is ironic, as the 4th of July celebrates American independence from attempts to impose on our freedoms. **CP**

Citizens Project will be devoting a future issue of Freedom Watch *to the highly-charged issue of organized prayers in school.*

News Briefs

Silent Night in Boulder

Liberty Counsel, a conservative religious lobbying group in Orlando, Florida, has threatened to sue the Boulder Valley School District. The district's winter concert had originally planned to end with choir members singing *Silent Night* while they filed out from the auditorium. The school district decided that this was too closely akin to a Christian church service, and substituted a secular song for the conclusion of the concert. Liberty Counsel was outraged, saying that the school district was showing "hostility" toward religion. No court suit has yet been filed, however.

Religious right school candidates lose again

The Vista, California school board, which made headlines in 1992 with its new conservative Christian majority, recently deposed that same majority. Two religious right board members were removed in a recall election, and all five conservative Christian candidates who ran in this year's election were defeated. This after the school board had acted to limit sex education, promoted the teaching of creationism, curtailed breakfast programs for poor children, and advocated prayer in its schools. This swing toward moderation mirrored similar school board election results in Lake County, Florida (as reported in our last *Freedom Watch*).

The new venue for religious right activism now becomes the Texas State Board of Education, where candidates described by one newspaper columnist as "your basic radical right-wing Christian fundamentalists" gained a one-vote majority on the 15-member Board. The new State Board is expected to attempt to limit sex education, denounce the federal Goals 2000 project, reject Outcome Based Education, discourage discussions of homosexuality, and encourage creationism. One of the responsibilities of the State Board is adopting textbooks. As Texas is one of the largest textbook purchasers in the country, the new Board may be able to force school textbook publishers to make a significant detour toward this new right-wing political correctness.

ACLU versus the judge

If America is a Christian nation, can it be wrong for a judge to sentence criminals to attend church? In the opinion of one "born-again" Louisiana judge, such sentences are a push toward public morality. Judge Thomas Quirk's practice of waiving fines or jail time if the offender attends church for a year has been very popular with both criminals and citizens in the conservative Louisiana city of Lake Charles. The ACLU, however, has filed a suit alleging that such sentences are an unconstitutional state endorsement of religion.

Religious instruction in public schools

Would you applaud a law mandating religious instruction in schools? Would it make a difference if you didn't believe in that particular religion? Heavily-Catholic Bolivia recently passed a law mandating Catholic instruction in all schools, but allowing students of other religions to receive instruction instead in "ethical and moral formation." Proponents stressed the need for religious education to counter problems of today's youth, including drug abuse and delinquency.

Not all Christians were happy. Disgruntled Protestant leaders have sued the government, claiming religious discrimination. The Rutherford Institute, normally a staunch advocate for more religion and increased moral instruction in public schools, now represents the Protestant minority in this court suit to have the law invalidated. Ecuador and Nicaragua are also considering mandatory Catholic instruction in schools.

Is censorship a family value?

David Woodel, state director of the California American Family Association, convinced 16 Burger King outlets to remove the free-circulation *Sacramento News and Review* newspaper from their stores. "There's a civil war of values taking place," said Woodel, who complained about the gay and lesbian personal ads in the newspaper. However, fifty-two Sacramento ministers came to the defense of the paper. "It saddens us to see the word 'Christianity' used as a cover for intolerance, bigotry, small-mindedness and anger," the ministers' full-page advertisement said.

American Christian Party

The American Christian Party, born in California, now has chapters in 17 states. ACP wants to abolish any separation between church and state. "With God's help," says founder Jolly Griggs, "the American Christian Party will fulfill the political mission of God's people, the church." The ACP platform is based on the Mayflower Compact, the Declaration of Independence, the preamble to the U.S. Constitution, the Gettysburg Address, and the Bible. So far, ACP has had no noticeable effects on any political scene.

Disagreements on prayer in public schools

The U.S. Congress, in passing an $11 billion aid to public school bill, chose not to include a provision by Sen. Jesse Helms (R-N.C.) that would have cut off federal funds to school districts that barred students from participating in school prayers. Rather, the funds would be cut off only if a school district violated a court order concerning school prayers.

The divisive question of mandatory school prayers continues to trouble even some on the religious right, however. Pat Robertson, head of Christian Coalition, recently stated his concerns about organized prayers in public schools: "...nor do I want the government teaching my grandchildren how to pray. The schools have no place endorsing religion." **CP**

Inside CP

Proud Tree of Diversity

The Citizens Project "Tree of Diversity" has been standing tall and proud at the Colorado Springs Fine Arts Center throughout December. CP volunteers worked hard to decorate the tree with holiday leaves from Citizens Project supporters (and others) who personalized their leaves with messages for our community. The leaves included religious and non-sectarian thoughts for the holiday season, often accompanied by a family picture or personalized artwork.

Trimming the Tree of Diversity

While admiring the Tree of Diversity at the Fine Arts Center, we heard many positive comments about our work from other citizens.

Thanks to all of you who sent us your leaves. You helped create a visual reminder that while we are all unique, we are also all part of a single tree and a single community. Special thanks to Pat Musick for her wonderful leaf and ornament design, to Smokebrush for magically creating this fine tree, to Terry Hays' third grade class at Steele Elementary for their multicultural face drawings, and to the Urban League Child Care Center for their sharing of leaves. And, thanks to our volunteers who brought it all together.

Religious holidays in public schools

The December 3rd First Tuesday meeting featured Jody Alyn, Greg Walta, and Frank Montera discussing the difficult issue of religious holidays in public schools. Jody Alyn is a Jewish parent of school-age children, Greg Walta is a prominent Colorado Springs attorney, and Frank Montera is the music director for School District 11 in Colorado Springs. Before the discussion, a group of children, directed by Lyn Boudreau, sang religious and non-religious holiday songs, and discussed their feeling about these songs. At the formal discussion, Frank Montera spoke about the District 11 religion in the schools policy and its application to holidays. Greg Walta reviewed the legal constraints on using school holidays to advance religion and the difficulties in relying on the law. Jody Alyn presented ideas on how to deal with religious holidays in a positive manner with public school children. Citizens Project would like to thank, among others, the school children who came and sang: Courtney Eichengreen, Laura McLean, Laura Jedeed, Sarah and Olivia Tolle, Alyssa Coriell, Robin Glang, and Alana Willis.

Tom Ross Trio a hit

The second home musical gathering November 17 at the home of William and Suzanne Starr was a big success. Jazzmakers "The Tom Ross Trio" had feet tapping and, yes, even some foot sliding on the dance floor. Many thanks to the gracious hosts, those in attendance, and organizer Marj Webster for all their efforts in making this a successful event to benefit Citizens Project. Citizens Project is looking forward to holding more home musical parties in 1995.

Freedom Watch Sponsors

This Freedom Watch was made possible with assistance from the following sponsors. If you would like to be a sponsor, please contact Douglas Triggs at 634-2836.

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Our Mission: Citizens Project is a grassroots organization in the Pikes Peak region dedicated to upholding the traditional American values of pluralism, freedom of religion and separation of church and state.

Yes, I would like to help support Citizens Project. Enclosed is my contribution of:

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Contributors of $15 or more will receive future issues of *Freedom Watch* and candidate surveys by mail, and will also receive special notices about Citizens Project activities.

❑ **Yes!**
I will attend the free Get Involved Seminar on January 21

Please reserve____space(s) and____free lunch(es)

Available for suggested donations
- ○ "Celebrate Diversity" button – *50 cents*
- ○ "Celebrate Diversity, Create Community" mug – *$5*
- ○ Newly Designed CP T-shirt – *$12 (specify size)*

Available for free
- ○ "Celebrate Diversity" bumper sticker
- ○ November/December issue of *Freedom Watch*

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Thank you for your support. Please note contributions are tax deductible.

Citizens Project Events

January 3 7PM
Human relations issues

Civil rights leader Jack Lang y Marquez will speak on the issue of human relations at Citizens Project First Tuesday meeting 7:00 P.M. at the East Library (5550 North Union). Marquez, Director of the Colorado Civil Rights Division, is familiar with how other communities throughout our state have treated human relations controversies. His comments come a week before the issue of a Human Relations Advisory Board is taken up again by the Colorado Springs City Council. For comments by Jack Lang y Marquez on human rights protections and for additional information on what you can do, see his article on page 1 of this newsletter.

January 21 9:15AM-3PM
Get Involved Seminar

Pikes Peak residents seeking greater input have an opportunity to learn how to make changes in our community through a Get Involved Seminar Saturday, January 21. This seminar will be held at the Hillside Community Center (925 South Institute, Fountain and Institute) from 9:15 AM to 3:00 P.M.. The seminar will offer nuts and bolts information on how to have your voice heard through local and state government, boards and commissions, elected office, and community activism.

This seminar is presented by Citizens Project and funded through a grant from the Chinook Fund. There is no cost to participants. Speakers include State Representative Marcy Morrison, Urban League President Jerome Page, *Hispania News* editor Robert Armendariz, School District 11 board member Sherry Butcher, State Department of Regulatory Agency Director Joe Garcia, and others.

Lunch will be provided free of charge, but you must call to make reservations. Call Citizens Project at 520-9899 to reserve your space, or send in the reservation form at the left.

Freedom Watch goes monthly!

By popular demand, *Freedom Watch* will now be published by Citizens Project on a monthly basis! *Freedom Watch* will continue to cover church-state issues and issues of tolerance in our community. Monthly publication will allow coverage in more depth and in a more timely manner. *Freedom Watch* will continue to be distributed within the Pikes Peak area by *The Colorado Springs Independent* and by the *Denver Post*, as well as through direct mail to our subscribers and through selected outlets in this region. Beginning in February, watch for *Freedom Watch* in the first issue each month of *The Independent*. This change was made possible by your strong support for Citizens Project!

Freedom Watch is a bimonthly publication of Citizens Project. Subscription available for a $15 suggested donation.
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